

Freedom of Information Act (FOIA)

The Freedom of Information Act, or FOIA is a public information disclosure law that provides for public access to government records. The FOIA is codified at DC Official Code §§ 2-531 *et seq.*

FOIA requests may be oral or in writing. If the request is written, the envelope should prominently be marked "FOIA Request." The FOIA Officer may ask for a request to be made in writing if the requested information is not usually made available to the public.

Any agency records in DISB's possession, custody or control are subject to the FOIA. Requested records will be provided in full, unless one or more of the fourteen FOIA exemptions applies. For example, DISB may withhold confidential business information that is contained within an agency record. The fourteen FOIA exemptions are described below.

DISB's FOIA Officer is Mary E. Lofton-Manning. Contact her for advice and FOIA policy guidance. She can be reached at mary.manning@dc.gov.

Protected Information

The Freedom of Information Act (FOIA) protects certain agency records from public disclosure, under fourteen exemptions contained in the FOIA statute. These exemptions cover matters that are:

- authorized to be kept secret in the interest of national defense or foreign policy
- related solely to internal personnel rules and practices of an agency
- specifically exempted from disclosure by statute
- trade secrets and commercial or financial information that is privileged or confidential
- inter-agency or intra-agency memoranda or letters that are privileged
- files that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy
- information that was compiled for investigatory purposes, the disclosure of which would interfere with law enforcement proceedings
- information relating to the regulation or supervision of financial institutions
- geological and geophysical information and data

If an agency record is requested and it contains information that is protected from disclosure under one or more of the fourteen exemptions, the agency may withhold that record. If the agency determines, however, that the protected portions can be

reasonably segregated from the unprotected portions of the record, the agency will make available to the requester a redacted version of the document.

Guidelines for FOIA Requests

Each FOIA request shall:

- indicate whether the requester believes the request should be considered for commercial use, news media, educational institution, noncommercial scientific institution, or other, for purposes of charging fees
- include the basis for this belief
- state the maximum amount of fees that the requester is willing to pay or request a fee waiver
- provide written justification, if a fee waiver is being requested

When the agency estimates that the search, review and duplication charges will likely exceed \$250.00, the requester will be notified of the estimated amount of fees, unless the requester has indicated in advance a willingness to pay fees as high as those anticipated.